

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

KENNETH WALTER HOWE,

Defendant.

Case No. 1:04-cr-293-01

Hon. Richard Alan Enslen

ORDER

This matter is before the Court on Defendant Kenneth Walter Howe's Motion to Clarify Judgment.¹ On March 10, 2005, the Court sentenced Defendant to a term of two years probation. As a condition of probation the Court ordered Defendant to reside nightly at the Grand Traverse County Jail for a period of six (6) months with daily work release privileges. The Court also found that Defendant did not have the ability to pay a fine and waived the imposition of a fine, including the cost of imprisonment. However, the Court's waiver of the cost of imprisonment was inadvertently omitted from the Court's Judgment.

The Court observes that Defendant is currently being assessed the cost of his lodging for the nights he spends at the Grand Traverse County Jail. The Court finds this assessment contrary to the Court's sentence and further finds that an Amended Judgment is necessary to give its sentence its intended effect.

¹ Defendant's Motion is styled as a letter that essentially requests the Court to clarify its Judgment. The Court will treat Defendant's letter as a Motion to Clarify. *See* FED. R. CRIM. P. 36. The Court also finds that the parties have been given appropriate notice since Defendant first raised the clarification issue and the Government was ordered to respond in opposition. *Id.*

THEREFORE, IT IS HEREBY ORDERED that Defendant Kenneth Walter Howe's Motion to Clarify (Dkt. No. 20) is **GRANTED** and an Amended Judgment consistent with this Order shall issue.

Dated in Kalamazoo, MI:
December 16, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge